

Message Text

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ORIGIN OES-06

INFO OCT-01 EUR-12 ISO-00 AID-05 CEA-01 CIAE-00 COME-00
EB-07 FRB-03 INR-07 NSAE-00 CIEP-01 SP-02 STR-04
TRSE-00 LAB-04 SIL-01 OMB-01 AGRE-00 L-03 DLOS-06
SAL-01 INT-05 CG-00 DOTE-00 /070 R

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L/OES - MHOINKES

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P 130108Z JAN 77

FM SECSTATE WASHDC

TO USMISSION EC BRUSSELS PRIORITY

INFO AMEMBASSY BONN PRIORITY

AMEMBASSY COPENHAGEN PRIORITY

AMEMBASSY DUBLIN PRIORITY

AMEMBASSY THE HAGUE PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY LUXEMBOURG PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY ROME PRIORITY

AMEMBASSY BRUSSELS PRIORITY

C O N F I D E N T I A L STATE 007517

E.O. 11652: GDS

TAGS: EFIS, XN, US, EC

SUBJECT: US/EC FISHERY NEGOTIATIONS

REF: (A) EC BRUSSELS 0134 (B) EC BRUSSELS 12679 AND 12680
(C) STATE 0015

1. DEPARTMENT REQUESTS MISSION TO INFORM EC COMMISSION OF
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FOLLOWING DEPARTMENT VIEWS REGARDING DRAFT US/EC GOVERNING
INTERNATIONAL FISHERY AGREEMENT IN ANTICIPATION OF EC
COUNCIL MEETING SCHEDULED FOR JANUARY 18.

2. CONCERNING CORPORAL PUNISHMENT PROBLEM NOTED IN
REFTEL (A), DEPT. HAS NO LATITUDE IN MAKING A COMMIT-
MENT TO EC OR ANYONE ELSE WHICH WOULD RESULT IN LESS THAN

WHAT IS REQUIRED UNDER U.S. LAW. REGARDING PARA ONE OF ARTICLE X OF DRAFT US/EC GIFA, MINIMUM WORDING ACCEPTABLE TO DEPT. IS THAT PROPOSED TO EC COMMISSION BY US GIFA DEL IN DEC. QUOTE THE GOVERNMENT OF THE UNITED STATES WILL IMPOSE APPROPRIATE PENALTIES ON VESSELS OF MEMBER STATES OF THE COMMUNITY, OR THEIR OWNERS OR OPERATORS, THAT VIOLATE THE REQUIREMENTS OF THIS AGREEMENT OR OF ANY PERMIT ISSUED HEREUNDER UNQUOTE. DEPT. WOULD NOT OBJECT TO EC MAKING UNILATERAL STATEMENT ON CORPORAL PUNISHMENT IN AGREED MINUTES TO GIFA AS INDICATED IN PARA 3, REF (A). HOWEVER,

DEPT'S ASSESSMENT IS THAT SUCH STATEMENT ON PART OF EC COULD CREATE PROBLEMS IN CONGRESSIONAL REVIEW OF THE GIFA AND POSSIBLY DELAY ENTRY INTO FORCE OF THE AGREEMENT. AS AN ALTERNATIVE, DEPT. WOULD BE PREPARED TO INCLUDE AN AGREED MINUTE IN REFERENCE TO ARTICLE X TO EFFECT THAT THE REPRESENTATIVE OF THE U.S. WILL RECOMMEND TO THE COURT IN ANY CASE ARISING OUT OF FISHING ACTIVITIES UNDER THIS AGREEMENT THAT THE PENALTY FOR VIOLATION OF FISHERY REGULATIONS NOT INCLUDE IMPRISONMENT OR ANY OTHER FORM OF CORPORAL PUNISHMENT. DEPT., HOWEVER, IS NOT WILLING TO MAKE THE ABOVE STATEMENT IN ASSOCIATION WITH ANY UNILATERAL COMMENT BY EC DEPLORING NECESSITY, ETC. OF CORPORAL PUNISHMENT PER REF (A).

3. WHILE DEPT. UNABLE TO PROVIDE FOR ARBITRATION OF DISPUTES CONCERNING IMPLEMENTATION OF THIS AGREEMENT, DEPT. WILLING TO PROVIDE FOR IN-DEPTH CONSULTATIONS ALONG LINES OF LANGUAGE OF PARA 2 OF ARTICLE XII OF NOVEMBER 11
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DRAFT GIFA QUOTE: IN THE EVENT OF A DISPUTE CONCERNING THE INTERPRETATION OR APPLICATION OF THIS AGREEMENT, SUCH DISPUTE SHALL BE THE SUBJECT OF CONSULTATIONS BETWEEN THE PARTIES, UNQUOTE.

4. ALTHOUGH COMMISSION DID NOT RAISE OTHER ISSUES WITH USEC RELATED TO DRAFT US/EC GIFA, DEPT. REMAINS CONCERNED ON EC POSITION ON OTHER OUTSTANDING ISSUES, E.G. SALMON AND UNILATERAL U.S. MINUTE REGARDING TRADITIONAL FISHING. DEPT. WOULD APPRECIATE ANY RECENT INFO FROM MISSION ON EC VIEWS RE THESE ITEMS.

5. MISSION REQUESTED TO EMPHASIZE POINT THAT DEPT. CLEARLY VIEWS GIFA AS NON-RECIPROCAL. DEPT. IS PREPARED TO ENTER SEPARATE NEGOTIATIONS WITH COMMUNITY REGARDING ACCESS TO WATERS OF MEMBER STATES E.G. FRENCH GUIANA BY U.S. FISHERMEN.

6. DEPT. HAS RECEIVED REGISTRATION PERMIT APPLICATION

FORMS FORWARDED FROM COMMUNITY BY USEC (REF B). MISSION SHOULD INFORM COMMISSION IN LIGHT OF U.S. WITHDRAWAL FROM ICNAF PER REF (C) THAT MEMBER STATES OF THE COMMUNITY MAY NOT FISH OFF U.S. COAST IN 1977 PURSUANT TO REGISTRATION PERMIT PROCEDURES. FISHING BY EC MEMBER STATES OFF U.S. COAST AS OF MARCH 1, 1977 MAY BE CONDUCTED ONLY IN ACCORDANCE WITH PERMITS ISSUED PURSUANT TO A GIFA. THUS DEPT. CAN TAKE NO ACTION RE SUBJECT REGISTRATION PERMIT APPLICATIONS SUBMITTED BY EC.

7. FYI. DEPT. IS HOPEFUL THAT BREAKTHROUGH IN US/EC GIFA NEGOTIATIONS WILL COME SOON SO THAT AGREEMENT CAN BE

SIGNED AND APPLICATION PROCESS STARTED. IN ANTICIPATION OF PROGRESS SOON ON THIS NEGOTIATION, DEPT. IS OPERATING ON BASIS THAT ALLOCATIONS TO MEMBER STATES WOULD FOLLOW THOSE AGREED AT ICNAF. END FYI.
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Message Attributes

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